

Application No.: 10/706,660
Filing Date: November 12, 2003

REMARKS

The foregoing amendments and the following remarks are responsive to the Office Action dated July 26, 2007 (hereinafter, “Office Action”). Claims 24-32 remain pending in the present application, and new Claims 33-34 have been added, as further discussed below.

Rejection of Claims 24-32 under 35 U.S.C. 103(a):

Claims 24, and 27-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,472,417 (hereinafter, “Martin”) in view of U.S. Patent No. 6,451,043 (hereinafter, “McInnis”). Claims 25-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of McInnis and U.S. Patent No. 6,159,195 (hereinafter, “Ha”). Claim 32 was rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of McInnis and U.S. Patent No. 5,389,087 (hereinafter, “Miraki”).

Applicants respectfully disagree with the rejection of these claims. However, to expedite the prosecution of the present application, Applicants have amended independent Claim 24 as outlined below, and respectfully request the Examiner to reconsider and allow all of the above-listed claims in view of the foregoing amendments and the following comments. Applicants expressly reserve the right to further prosecute the original version of any claims through continuation practice.

Amended Claim 1 recites limitations that are not disclosed or taught in either Martin or McInnis. As amended, Claim 1 recites in part a multilumen catheter comprising a second lumen extending between a proximal port and a distal port, a first and second cutout. Further, in amended Claim 1, the proximal and the distal ports are each arranged so as to be collinear with the second lumen.

In contrast, neither Martin nor McInnis disclose the first or second cutout of Applicant’s Claim 1, or that the proximal port and the distal port are each arranged so as to be *collinear* with the second lumen. In both Martin and McInnis, the ports described therein are all arranged so as to be *perpendicular* to a longitudinal axis of the catheter body. Further, the second lumen (16) disclosed in McInnis *extends through the axial centerline* of the distal portion of the catheter body (*see* Fig. 6) and, further, passes through the distal tip of the catheter (*see* Fig. 1). However, in Martin, the return lumen (52) in which the plug (60) is positioned, and to which the Examiner

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applies the teachings of McInnis, is *off-center* so as to not communicate with the intravenous lumen (54) that passes through the axial centerline of the catheter. Therefore, combining the second lumen (16) in McInnis with the intravenous lumen (54) in Martin would eliminate the separation between the return lumen (52) and the intravenous lumen (54) in Martin and defeat the functionality of the catheter described therein.

Regarding dependent Claims 27-31, Applicants submit that these claims are also not unpatentable over Martin in view of McInnis for at least the same reasons as stated above for Claim 24 (on which these claims depend) and also because they each recite further patentable distinctions. Further, respectfully stated, the Examiner has omitted any discussion of how the limitations set forth in these dependent claims are unpatentable over Martin in view of McInnis and has, therefore, not satisfied the requirements for supporting a § 103(a) rejection set forth in MPEP § 2141, *KSR International Co.*, and *In re Kahn*, as discussed above.

Applicants also submit that dependent Claims 25-26 are also not unpatentable over Martin in view of McInnis and Ha, and that dependent Claim 32 is not unpatentable over Martin in view of McInnis and Miraki, for at least the same reasons as stated above for Claim 24 (on which these claims depend) and also because they each recite further patentable distinctions.

Accordingly, Applicants submit that Claims 24-32 are in a condition for allowance over the references cited in the Office Action and respectfully request the Examiner to pass these claims to allowance.

New Claims Have Been Added:

New Claims 33-34 have been added. These claims are fully supported by the application as filed such that no new matter has been introduced by this Amendment. Also, the newly added dependent claims read on the elected invention, Group II, as defined in the Office Action dated April 12, 2007.

Regarding the art references cited in the Office Action, dependent Claims 33-34 are not anticipated or suggested by, or unpatentable over, the cited references for at least the same reasons as for the claim from which they depend, and also because they each recite further patentable distinctions.

No Disclaimers or Disavowals

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Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Title	Filed
11/417,651 ENDOLOG.007C4	ENDOLUMINAL VASCULAR PROSTHESIS	05-03-2006
11/623,679 ENDOLOG.007C5	ENDOLUMINAL VASCULAR PROSTHESIS	01-16-2007
10/119,525 ENDOLOG.014C1	SELF EXPANDED BIFURCATED ENDOVASCULAR PROSTHESIS	04-08-2002
11/417,883 ENDOLOG.014C2	SELF EXPANDED BIFURCATED ENDOVASCULAR PROSTHESIS	05-03-2006
10/722,367 ENDOLOG.023CP1	GRAFT DEPLOYMENT SYSTEM	11-25-2003
10/820,455 ENDOLOG.054A	ENDOLUMENAL VASCULAR PROSTHESIS WITH NEOINTIMA INHIBITING POLYMERIC SLEEVE	04-08-2004
11/104,303 ENDOLOG.056A	METHOD AND APPARATUS FOR DECOMPRESSING ANEURYSMS	04-12-2005
11/580,201 ENDOLOG.056CP1	METHOD AND APPARATUS FOR DECOMPRESSING ANEURYSMS	10-12-2006
11/522,292 ENDOLOG.067A	MULTI-SEGMENTED GRAFT DEPLOYMENT SYSTEM	09-15-2006
11/623,022 ENDOLOG.075A	DUAL CONCENTRIC GUIDEWARE AND METHODS OF BIFURCATED GRAFT DEPLOYMENT	01-12-2007
60/947,317 ENDOLOG.081PR	GRAFT WITH ELECTRICAL SURFACE CHARGES	06-29-2007
60/981,869 ENDOLOG.085PR	STENT	10-23-2007
60/955,302 ENDOLOG.087PR	APPARATUS AND METHOD FOR RAPID RELEASE OF THERAPEUTIC AGENT INTO ANIMAL TISSUE	08-10-2007
60/987261 ENDOLOG.087PR2	APPARATUS AND METHOD FOR RAPID RELEASE OF THERAPEUTIC AGENT INTO ANIMAL TISSUE	11-12-2007
60/987268 ENDOLOG.091PR	METHOD AND AGENT FOR IN-SITU STABILIZATION OF VASCULAR TISSUE	11-12-2007
11/189,101 ENDOLOG.21CP6C2	BIFURCATION GRAFT DEPOLYMENT CATHETER	07-25-2005
11/417,926 ENDOLOG.21CP7C2	IMPLANTABLE VASCULAR GRAFT	05-03-2006

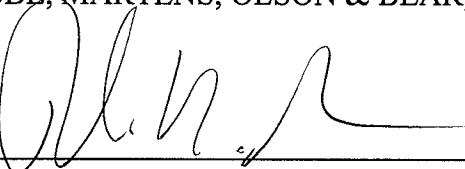
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11/764,715 ENDOLOG.21CP7CC	IMPLANTABLE VASCULAR GRAFT	06-18-2007
10/690,227 ENDOLOG.23DV1C1	SINGLE PUNCTURE BIFURCATION GRAFT DEPLOYMENT SYSTEM	10-21-2003
11/214,427 ENDOLOG.4C3C1	BIFURCATED VASCULAR GRAFT AND METHOD AND APPARATUS FOR DEPOLYING SAME	08-29-2005

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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